

TITLE 17: CONSERVATION
CHAPTER VI: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 4170

RULES FOR THE PROTECTION, ~~TREATMENT AND INVENTORY OF~~
~~UNMARKED~~ HUMAN REMAINS, GRAVE ARTIFACTS, GRAVE MARKERS ~~BURIAL~~
~~SITES~~ AND UNREGISTERED GRAVES

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AUTHORITY: Implementing, and authorized by the Human Remains Protection Act [20 ILCS 3440].

SOURCE: Adopted at 16 Ill. Reg. 14200, effective September 8, 1992; recodified from the Illinois Historic Preservation Agency to the Department of Natural Resources at 47 Ill. Reg. 12805; emergency amendment at 47 Ill. Reg. 13340, effective August 31, 2023, for a maximum of 150 days; amended at 47 Ill. Reg. _____, effective _____.

SUBPART A: PROTECTION OF UNMARKED HUMAN BURIAL SITES
AND UNREGISTERED GRAVES

Section 4170.100 Purpose of Rules ([Repealed](#))

~~These regulations implement the provisions and intent of the Human Skeletal Remains Protection Act [20 ILCS 3440] that all human burials and human skeletal remains be accorded equal treatment and respect for human dignity without reference to ethnic origins, cultural background, or religious affiliation. These regulations apply to all prehistoric and historic American Indian, historic Illinoisian, pioneer, Civil War and other human skeletal remains found in unregistered graves, and associated grave artifacts and grave markers found upon or within any public or private land in the State. The protection and preservation of unregistered graves, associated grave artifacts, and grave markers in place is the preferred situation.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.110 Definitions

"Act" means the Human ~~Skeletal~~ Remains Protection Act [20 ILCS 3440].

"Adequate historical documentation" is information verifiable through ~~at least two of~~ the following types of independent sources: church records, deeds, [treaties](#), [atlases](#), maps, [Tribal knowledge](#), and [any](#) other written and oral sources.

"Archaeological [materials](#)~~resources~~" means any ~~material~~ remains of past human life or activities ~~that are at least fifty (50) years of age~~, as well as the physical site,

location, or context in which those remains are found.

"Attorney General" means the Attorney General of the State of Illinois.

~~"Buffer land" means that amount of sufficient contiguous land, submerged or non-submerged, surrounding the burial site necessary to ensure its protection.~~

"Coroner" ~~has the same meanings as~~ means a person defined in [Division 3-3](#) of the Counties Code [55 ILCS 5/Art. 3, Div. 3-3].

"Cultural-historical affiliation" means an association with a recognized historical age and cultural group ~~(e.g., prehistoric Indian Mississippian culture or historic European colonial culture).~~

"Department" or "DNR" means the Illinois Department of Natural Resources.

"Department archaeologist" means the chief of the Department archeology program.

"Director" means the Director of the Agency.

"Disturb" or "disturbance" includes excavating, removing, exposing, [probing](#), defacing, mutilating, destroying, molesting, or desecrating in any way human ~~skeletal~~ remains, unregistered graves, [grave artifacts](#), and grave markers.

~~"Division" means the Historic Preservation Division within the DNR office of Land Management.~~

["Encounter" means to come upon human remains, grave artifacts, grave markers, or unregistered graves at a location where such viewing was not expected or anticipated. \[20 ILCS 3440/1\]](#)

"Field investigation" means the ~~examination~~ study by a professional archaeologist of the traces of human culture at any land or water location by means of surveying, sampling, excavating, or removing subsurface objects or going on a site with that intent.

"Grave artifacts" means [any item](#) ~~all relies, specimens, or objects of a historical, prehistorical, cultural, archaeological or anthropological nature~~ of human manufacture or use ~~that is~~ which are found above or below the surface of the earth and which are associated with human ~~skeletal~~ remains in any unregistered grave. [\[20 ILCS 3440/1\]](#)

"Grave contents" means human remains, grave artifacts, or grave markers.

"Grave markers" ~~means~~ are any tombs, monuments, stones, ornaments, mounds, or other item of human manufacture that are associated with an unregistered grave. [20 ILCS 3440/1]

~~"Historic burial site" means:~~

~~Any unmarked burial site or unregistered grave which has been listed in the Illinois Register of Historic Places pursuant to Section 6 of the Historic Preservation Agency Act [20 ILCS 3405] has been determined by the Department to be eligible for the National Register of Historic Places using the criteria for evaluation in 36 CFR 60.6 or which the Department has determined to be of historic significance;~~

~~Any object, or group of objects, located in or associated with an unmarked burial site or unregistered grave or that enhances an understanding and appreciation of Illinois history; or~~

~~Any object, or group of objects, and the district, area or site they define, which may yield significant data but whose value and significance has yet to be determined by the Agency.~~

~~"Historic significance" means that the Director has determined that the unmarked burial site or unregistered grave has yielded or is likely to yield information concerning past patterns of human settlement, or artifacts or information concerning cultures in Illinois of more than 100 years ago.~~

"Human-skeletal remains" include the bones and decomposed fleshy parts of a deceased human body. [20 ILCS 3440/1] ~~or "human remains" means any part of the body of a deceased person in any stage of decomposition in a context indicating substantial evidence for an intentional or unintentional burial; or, a disarticulated or articulated skelton.~~

~~"Illinois Inventory of Archaeological and Paleontological Sites" shall be as defined in the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and its accompanying regulations.~~

~~"Interest" means an interest based on any of the following:~~

~~Kinship;~~

~~A related group;~~

~~A scientific, environmental or educational purpose;~~

~~Land use; or~~

~~Any other interest which the Department deems to be in the public interest.~~

~~"Inventoried burial site" is a piece of land that has a record of having buried human remains or any burial site that is already recorded with the county Recorder of Deeds, in the Illinois Inventory of Archaeological and Paleontological Sites or in the Inventory but does not include cemeteries registered with the State Comptroller under the Cemetery Care Act [760 ILCS 100].~~

~~"Inventory" means the Illinois Inventory of Burial Sites as described in Subpart C hereof.~~

"Kinship" or "kin" means lineal, affinal or legal relationship, whose biological, legal or affinal relationship can be demonstrated by genealogy, legal documentation, or forensic methods.

~~"Material remains of past human life or activities" refers to any physical evidence of human habitation, occupation, use or activity. Such items of evidence include, but are not limited to:~~

~~surface, subsurface, or submerged structures (a specific example includes, but is not limited to, shipwrecks);~~

~~shelters;~~

~~facilities (specific examples include, but are not limited to, forts and mines);~~

~~features (specific examples include, but are not limited to, domestic structures, human-made mounds, earthworks, canals, reservoirs, horticultural garden areas, rock alignments, cairns, kilns, and post molds);~~

~~surface or subsurface concentrations or scatters of artifacts;~~

~~whole or fragmentary tools, implements, containers, weapon projectiles, clothing, and ornaments (specific examples of these include, but are not limited to, pottery and other ceramics, basketry, cordage, weavings, coins, bullets, bottles, and other glassware, flaked stone, bone, metal, wood, hide,~~

feathers, and pigments);

by products of manufacture or use of human-made or natural materials;

organic waste (specific examples include, but are not limited to, vegetal and animal remains, coprolites);

rock carvings, rock paintings, intaglios and other works of artistic or symbolic representation;

rockshelters or caves containing any of the foregoing materials;

the physical site or location of any of the foregoing; or

any portion or piece of any of the foregoing.

Coins, bullets and unworked minerals and rocks shall not be considered archaeological resources for purposes of the Act unless found in a direct physical relationship with archaeological resources as defined in this Section.

"Museum" means the Illinois State Museum.

"Museum Director" means the Director of the Illinois State Museum.

"Owner of record" means the person in whose name the real property appears on the records of the county Recorder of Deeds.

"Permit" means a permit issued by the Department pursuant to the Act Sections 4170.300 and 4170.310.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, limited-liability company institution, corporation or a receiver, trustee, guardian or other representatives appointed by order of the court, the Federal and State governments including State universities created by statute or any city, town, county or other political subdivision of this State, ~~or of any Indian tribe.~~ [20 ILCS 3440/1]

"Professional archaeologist" shall be those archaeologists that are certified pursuant to 17 Ill. Adm. Code 4190, Subsection D ~~defined as provided in the Archaeological and Paleontological Resources Protection Act.~~

"Public lands" means any land owned or administered by the State, a State

university, a municipality or a unit of local government.

"Related Group" means the governmental body or recognized leaders of a Tribal Nation~~an Indian tribe~~, religious organization, ethnic affiliate, or any other group that can make a claim based on adequate historical documentation~~past legitimate control or custody~~ of the human ~~skeletal~~ remains, unregistered~~unmarked~~ graves, and/or grave markers. ~~For the purposes of these regulations an Indian tribe means any federally recognized Indian tribe or band that can be historically documented to have inhabited lands located within the State and that can demonstrate ownership or control of a particular burial site; a religious organization means an organized religious group recognized by federal internal revenue service tax exemption or a traditional Indian religious group, pursuant to federal regulations established under the American Indian Religious Freedom Act (42 USC 1996) that can demonstrate ownership or control of a particular burial site; and an ethnic affiliate means a non-American Indian historic immigrant nationality or ethnic group of European, African, or Asian origin that can demonstrate ownership or control of a particular burial site.~~

"Repatriation" for the purposes of this Part, means that the Department has recognized a claim regarding grave contents by a lineal descendant, Tribal Nation, or any other entity or related group through the presentation of adequate historical documentation and the process by which such grave contents are returned to the claimant.

"Site" means all ~~aboriginal~~ mounds, forts, earthworks, village locations, burial grounds, ~~historic or prehistoric~~ ruins, mines, caves, or locations of past human life or activities which are the physical location of archaeological materials~~resources~~ or may be the source of grave artifacts.

"Treatment plan" means a plan for the avoidance, removal, reburial, disposition, curation, or repatriation of grave contents that has been approved by the Department~~traditional ethnic, religious, or tribal activities of an ethnic, religious, or tribal group associated with the final disposition of human remains.~~

"Tribal" or "Tribal Nation" means a Native American or Alaska Native entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs.

"Tribal consultation" means a form of communication centered in trust, respect and shared responsibility that upholds Tribal sovereignty. It is a free and open process where the exchange of information and opinions are shared among the

participating parties. [20 ILCS 3440/1]

"Tribal knowledge" means the generational sum of experiences, wisdom, or research present in a tribal Nation as a result of their existence and relationship with the land.

"Undertaking" means any project, activity, or construction that can result in changes to, disturbance of, moving, or destruction of human remains, grave artifacts, grave markers or unregistered graves. [20 ILCS 3440/1]

~~"Unmarked burial site" means any interment of human skeletal remains for which there exists no grave marker or any other historical documentation and that was not previously known or recorded.~~

"Unregistered grave" means any grave or location ~~(including any unmarked burial site)~~ where a human body has been buried or deposited, is over 100 years old and is not in a cemetery registered with or licensed by the State Comptroller under the Cemetery Care Act or under the authority of the Illinois Department of Financial and Professional Regulation pursuant to the Cemetery Oversight Act, whichever is applicable. [20 ILCS 3440/1]

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.200 Notification and Investigation~~Discovery of Unmarked Burial Sites, Unregistered Graves and Grave Contents Located on Real Property~~Notification of Authorities

- a) If the Department is in possession of credible information that leads the Department to conclude that there is a likelihood that unregistered graves or grave contents are located on real property, then the Department may notify the owner of the real property in writing of such information. This notification shall include the requirements under the Act to obtain a permit before any undertaking may take place on the real property that had been determined to have a likelihood that human remains, unregistered graves, grave markers, or grave artifacts are located.~~Notification of Coroner. Any person knowing or having reasonable grounds to believe that an unregistered grave or unmarked burial site is being disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall, as soon as possible, notify the coroner of the county in which the remains are known to be or believed to be located. Any discovery of human skeletal remains by any person shall be reported as soon as possible to the coroner of the county in which the unregistered grave is located.~~
- b) ~~Notification of Department. Any person knowing or having reasonable grounds~~

to believe that an unregistered grave or unmarked burial sites may be disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall, as soon as possible prior to the disturbance, notify the Department.

- e) ~~Discovery of An Unregistered Grave Other Than During An Archaeological Excavation. When an unregistered grave is discovered other than during an archaeological excavation subject to regulation by the Department, all activity that may disturb the unregistered grave shall cease immediately, and the coroner shall be notified. Such activity shall not resume unless specifically authorized by the coroner if the coroner maintains jurisdiction or by the Director if the Department assumes jurisdiction.~~
 - 1) ~~If the coroner finds that the unregistered grave may be involved in a legal investigation or represents the burial of an individual who has been dead less than 100 years, the coroner shall assume jurisdiction over and responsibility for such unregistered grave and human remains, and no other provisions of this Section shall apply. The coroner shall have seventy two (72) hours after being notified of the unregistered grave to determine if the coroner shall maintain jurisdiction or refer the matter to the Director.~~
 - 2) ~~If the coroner finds that the unregistered grave is not involved in a legal investigation and represents the burial of an individual who has been or is presumed to have been dead 100 years or more, the coroner shall notify the Director, and the Department shall assume jurisdiction over the unregistered grave and human remains.~~
- d) ~~Discovery of An Unmarked Burial Site or Unregistered Grave During An Archaeological Field Investigation.~~
 - 1) ~~When an unmarked burial site or unregistered grave is discovered as a result of an archaeological field investigation and the archaeologist finds that the unmarked burial site or unregistered grave represents the burial of an individual who has been dead less than 100 years, the archaeologist shall notify the coroner, and all activity that may disturb the unmarked burial site or unregistered grave shall cease until the coroner authorizes work to resume.~~
 - 2) ~~If such an unmarked burial site or unregistered grave represents the burial of an individual who has been or is presumed to have been dead 100 years or more, the coroner and the Department archaeologist shall be notified, and archaeological activities in the burial site area may not resume until the Department authorizes the work to resume.~~

3) ~~Within fifteen (15) days after the discovery of an unmarked burial site or unregistered grave of an individual who has or is presumed to have been dead 100 years or more, the archaeologist conducting the excavation shall report to the Director an opinion regarding the cultural and biological characteristics of the unmarked burial site or unregistered grave and where human skeletal remains and associated burial artifacts should be held prior to delivery to the Museum.~~

be) Notification of Owner of Record of Permit Requirements.

The Department may, with the permission of the owner of record, recommend that a general archaeological field investigation of the suspected location of unregistered grave or grave contents be conducted by a professional archaeologist. If Native American unregistered graves or grave contents are encountered, invasive archaeological field investigations must be conducted with the approval of Tribal Nations.

1) ~~If a disturbance or impending disturbance of an unmarked burial site or unregistered grave is reported to the Director by a person other than the owner of record, the Director shall notify the owner of record of the burial site by telephone if possible and by certified letter, return receipt requested, of the reported or impending disturbance of the burial site, the requirement that a permit be obtained prior to such disturbance and the liabilities and penalties upon the owner of record for any violation of the Act. The Director may notify any other person who may have an interest in the burial site.~~

2) ~~In instances where the disturbance or impending disturbance of an unmarked burial site or unregistered grave for which specific legal boundaries have not been determined or for which there is not adequate historical documentation is reported to the Director, the Director may require all activity that may disturb the unmarked burial site or unregistered grave to cease until specific legal boundaries can be determined and adequate historical documentation collected. Such activities shall not resume unless specifically authorized by the Director. The Director may require an archaeological field investigation be conducted to determine the specific legal boundaries to determine the type of the burial or archaeological resource and to collect adequate historical documentation.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.210 Determination of Kinship or Related Group~~Department Involvement~~

- a) After grave contents from the unregistered grave are encountered the Department shall attempt to identify kinship related to the grave contents. The Department shall review any adequate historical documentation that is available to the Department to determine kinship. If kinship is established, the Department shall notify, by registered mail, those people or entities that have a kinship relation with the grave contents. Repatriation or care of the human remains shall be subject to the written permission of the kin who notify the Department within 30 days of the mailing notification that kinship is accepted. ~~Whenever the Department assumes jurisdiction over an unmarked human burial site or unregistered grave, the Director shall:~~
- a) ~~Determine whether the unmarked burial site or unregistered grave is of historic significance and whether it is possible to preserve in place. If the unmarked burial site or unregistered grave is significant and cannot be preserved in place, the Department may prepare a permit including a mitigation, disposition, and curation plan. If the discovery of the unmarked burial site or unregistered grave was discovered as the result of agricultural, mining, construction or like activity, the Department shall have fourteen (14) days to prepare such a plan. If no agricultural, mining, construction or like activity is involved, the Department shall have forty five (45) days to propose such a plan. Any mitigation plan developed by the Department shall be carried out in accordance with the following:~~
- ~~1) The consent of the owner of record shall be required for the execution of any mitigation plan;~~
 - ~~2) In discoveries related to development where land alteration project activities exist, the owner of record or the owner's agent shall be responsible for the funding and execution of the mitigation, disposition, and curation plans in accordance with the requirements of the Director;~~
 - ~~3) Project activities shall resume once necessary archaeological excavations required by the mitigation plan have been completed; and~~
 - ~~4) The Director may, with the permission of the owner of the land, recommend that a general archaeological field investigation of the unmarked burial site or archeological site be conducted by a professional archaeologist.~~
- b) If kinship cannot be established, then the Department shall attempt to determine if there is a related group or groups that would have an affiliation with the grave contents through adequate historical documentation. ~~Make Identification of Relationships to Burial. Make reasonable efforts to identify and locate persons~~

~~who can establish kinship or related group relationships with the individual or individuals whose remains constitute the unmarked burial site or unregistered grave. The Director may, but shall not be required to, publish notice of any excavation of human remains in a newspaper of general circulation in the county where the burials or skeletal remains are situated, in an effort to determine the identity and/or kin of the deceased. If such notice is published, treatment and ultimate disposition of the human remains shall be subject to the written permission of the kin who notify the Director within thirty (30) days of the last published notice. If possible, the Director shall consult with the closest related family member or recognized leaders if a related group relationship is established, in determining the proper final disposition of the remains found in the unmarked burial site or unregistered grave.~~

- c) If the Department determines that the grave contents are affiliated with a related group that is Native American in origin, the Department will notify any and all related Tribal Nations of the encounter of the unregistered grave, grave contents, or unregistered grave and invite the Tribal Nations to consult on the proposed treatment plan pursuant to Section 4170.220. If no Tribal Nation accepts the invitation or no Tribal National response in writing within 30 days after receiving the invitation, then the Department will proceed with its determination as to any permit application. If a Tribal Nation or Nations accept the invitation, then the Department will consult with the Tribal Nation or Nations within 30 days of the acceptance of the invitation, unless a later date is agreed to by the Department and all of the Tribal Nation or Nations. Such consultation shall occur if the invitation is accepted before the Department issues a permit pursuant to this Part. Repatriation or reinterment is subject to Section 14 of the Act.
- d) If the Department determines that the grave contents are affiliated with a related group or groups that is not Native American in origin, the Department will notify any and all related groups of the encounter. Such notification may be by mail or by publication. Repatriation or care of the human remains shall be subject to the written permission of the related group who notify the Department in writing within 30 days of the mailing of the notification and that the related group status is accepted.
- e) If the origin of the grave contents cannot be determined, the Department may, at its discretion, give public notice of any excavation of grave contents subject to the jurisdiction of the Department pursuant to the Act. Such public notice shall include, but not be limited to, notice in a newspaper of general circulation in the county where the unregistered burials or grave contents are situated for two consecutive weeks, in an effort to determine the identify and/or kin or related group of the deceased. Any person or group claiming kinship or being related group to the grave contents shall be determined by the Department and must

include adequate historical documentation.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.220 Tribal Consultation

When an unregistered grave, human remains, or grave artifacts are encountered and believed to be Native American in origin, the Department will use adequate historical documentation to determine the contemporary Tribal Nations that have an affiliation with the unregistered grave, human remains, or grave artifacts. The Department will create a contact list of affiliated Tribal Nations. Notice shall be sent by the Department to the contact list that shall include details regarding the materials that have been encountered, a report of their condition, information about how the encounter occurred, which affiliated Tribal Nations have been identified, and an invitation to attend a consultation meeting that shall occur no sooner than 45 days from notification. Notice may be by letter or electronic communication. Tribal Nations have 30 days to respond from the date notification was mailed or sent by electronic communication with the Tribal Nation's intent to participate. Tribal Nations may attend the consultation in person, attend virtually, or submit written comments to the Department. The Department shall gather information related to the history of the location, details regarding the encounter and a proposed draft treatment plan for discussion with the Tribal Nations during the consultation. If an emergency exists, pursuant to Section 4170.300(c), Tribal consultation may occur sooner than this Section requires if all Tribal Nations that indicated they wish to participate and the Department agree that Tribal consultation shall occur on an expedited basis.

(Source: Added at 47 Ill. Reg. _____, effective _____)

Section 4170.300 Permit Application

a) ~~Application for Preservation Work to Unregistered Graves by Non-Governmental Owner of Record. Those wishing to probe the ground to locate and recover buried grave markers and to clean, repair or reset grave markers in an unregistered cemetery. If the non-governmental owner of record or the owner's agents desire to remove human remains, the owner of record must obtain~~ apply to the Director for a permit from the Department. The ~~Upon receipt of the application shall be on a form provided by the Department. The application shall provide, the Department will assist the applicant in preparing a mitigation plan for the removal of the human remains from the unmarked burial site or unregistered grave. The application shall contain information the Department deems necessary, including the following information:~~

- 1) The applicant's name and address;
- 2) The proposed cemetery preservation plan, including, but not limited to the

location and address of the cemetery~~circumstances surrounding discovery of the human remains, unmarked burial site or unregistered grave;~~

- 3) The applicant's knowledge of the nature of the remains ~~(e.g., Protestant, Indian, pioneer, Civil War or other);~~
- 4) The rationale for~~nature and purpose of~~ the proposed disturbance ~~requiring removal;~~
- 5) Proof of ownership of the applicant of the land that the proposed cemetery preservation undertaking is occurring on or written permission from the landowner granting permission for the proposed cemetery preservation undertaking to occur~~Special circumstances demonstrating that preservation in place is not feasible and removal is in the public interest, citing economic, construction, or social needs (e.g., contemporaneous construction or development of the property, agricultural activity, mining etc.) requiring expedition in removing the remains; and~~
- 6) Any additional information or documentation that the Department requests to ensure the preservation or protection of unregistered graves and grave contents~~The permit applicant's proposed funding source, timetable, and available professional expertise for removing the human remains and performing the excavation of the unmarked burial site or unregistered grave.~~

b) Application for Undertaking.

If an undertaking will occur on property that the property owner has been notified in writing by the Department that the land is likely to contain human remains, unregistered graves, grave markers, or grave artifacts, a permit shall be obtained by the landowner from the Department. If human remains, unregistered graves, grave markers, or grave artifacts were unknown and were encountered by any person, a permit shall be obtained from the Department before any work on the undertaking may continue. [20 ILCS 3440/13(a) and (b)] The application shall be on a form provided by the Department. The applicant shall provide the following information~~by a Governmental Body, Professional Archaeologist, or Person other than the Owner of Record. Any governmental body, professional archaeologist, or person other than the owner of record seeking to disturb an unregistered grave shall apply to the Director as early in the planning process as possible, but at least two (2) months before the proposed starting date of construction or other field operations that would affect the unregistered grave. Within fifteen (15) working days the Department shall notify the applicant if sufficient documentation has been submitted or if additional information is required. Within thirty (30) working days after receiving complete documentation the Department shall make~~

a determination whether the permit will be issued or denied. The applicant must submit two (2) copies of an application proposal to the Department containing information with respect to:

- 1) The name, address, email address and telephone number of the applicant and the owner or records~~significant archaeological/scientific research questions that the research will investigate. If the site is on public lands, the applicant must justify why such investigations can only be undertaken at the site in question or why that site is the optimum choice for those investigations. If the permit request is project-related the applicant must describe the nature and purpose of the proposed disturbance and justify why preservation of the burial area in place is not feasible and removal is in the public interest. The proposal must be sufficiently detailed to allow the Director to arrive at an objective evaluation of the research design, site justification, field methodology, curation, timeframe and techniques.~~
- 2) The nature and extent of the undertaking~~work proposed, locational maps, proposed time schedule for excavation, analysis and report preparation, and proposed outlet for public written dissemination of the results.~~
- 3) The origin of the unregistered grave and grave contents that is known to the applicant and owner of record.
- 4) The location, address, and locational maps of the undertaking, including GPS coordinates.
- 5) A proposed time schedule for the undertaking, including the proposed schedule for excavation or avoidance.
- 6) Proof of ownership of the land that the undertaking is occurring on, or written permission from the landowner granting permission for the undertaking to occur.
- 7) A statement regarding whether preservation in place of the human remains, unregistered graves or grave contents is or is not feasible. If preservation in place is not feasible, then additional information outlining economic, construction, or social needs (e.g., contemporaneous construction or development of the property, agricultural activity, mining etc.) requiring expedition in the removal of unregistered graves or grave contents is required.
- 8) If preservation in place is not feasible in the opinion of the permit applicant, the applicant's proposed funding source, timetable, and

available professional expertise for removal of unregistered graves or grave contents.

9) A draft treatment plan.

10) Any and all information detailing whether the undertaking involves either State or Federal funding, licenses, permits, or approvals.

113) The names, ~~and~~ addresses, email addresses, and telephone numbers of the person(s) proposed to be responsible for conducting the removal or excavation work, including those people proposed to be responsible for carrying out any terms or conditions of the permit, including detailed resumes of the key project personnel (including, e.g., the principal investigator, field director and staff directing any specialized analysis proposed), institutional affiliation, if any, and evidence of education.

124) Evidence that personnel named as responsible for site excavations in subsection (b)(~~113~~) of this Section are certified as Field Archaeologists Level II or III, ~~professional archaeologists~~ under the Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and 17 III. Adm. Code 4190 ~~as Field Archaeologists, Level II or III.~~

135) Evidence that all ~~burial~~ excavations and analysis of unregistered graves and grave contents will be performed under the supervision of a human osteologist ~~skeletal analyst~~ certified under subsection (~~ef~~) of this Section.

~~6) The name(s) and address(es) of the person(s), if different from the person(s) named in subsection (b)(3) of this Section, proposed to be responsible for carrying out the terms and conditions of the permit.~~

147) Evidence of the ability of the applicant or those individuals listed pursuant to subsection (b)(12) of this Section ~~applicant's ability~~ to initiate, conduct, and complete the proposed work within the proposed timeframe, including evidence of funding, logistical support, laboratory facilities and evidence of past timely and successful completion of similar scale projects.

158) Evidence that an adequate program of site security to protect unregistered graves and grave contents ~~human remains~~ from theft, ~~or~~ vandalism, or inclement weather will be maintained during all work performed under this permit.

~~9) Evidence that written consent has been obtained from the owner of record for work proposed on such owner's land.~~

10) ~~Evidence that, in the case of public lands, written opinion of the proposed work has been obtained from the Department archaeologist.~~

~~1611) If known, In cases where~~ the specific ~~legal~~ boundaries of an unregistered grave ~~have not been defined, the Director may require that the applicant submit to the Director a survey to determine the specific legal boundaries and to determine the type or class of burial site.~~

~~1712) If the draft treatment plan involves removal of grave contents and those items cannot be transferred to the Department immediately upon excavation, the~~ Evidence, with the written concurrence of the Museum, ~~that any~~ university, museum, funeral home, government agency, or other scientific or educational institution proposed ~~in the application~~ as a temporary repository of materials and proof that the temporary repository entity possesses adequate curatorial capability for safeguarding and preserving the grave contents ~~archaeological resources~~ and all associated records during such temporary repository ~~during the term of the permit.~~

~~1813) The applicant has certified that, not later than~~ sixty (60) ~~ninety (90)~~ days after the date the ~~final~~ report of investigation is submitted to the Department, all grave contents ~~artifacts, samples, collections,~~ and copies of records, data, photographs, and other documents resulting from work conducted under the requested permit will be delivered to the Department ~~Museum~~ in compliance ~~a format consistent~~ with the Department's ~~Museum's~~ curation and recordation policy regarding human remains, unregistered graves, grave artifacts, and grave markers.

c) Emergency Excavations.

In instances where ~~an~~ unregistered graves or grave contents are encountered and the Department determines that ~~is accidentally uncovered on private lands, and~~ it is not feasible to leave the unregistered grave or grave contents ~~burial~~ in place, and there is a high likelihood that the current conditions of the encounter, that are outside the control of the person or entity encountering the remains, may lead to destruction or irreparable damage to the unregistered grave or grave contents, or an emergency exists affecting public health, safety, or property, the Department ~~Director~~ may, ~~if weather and schedules permit,~~ authorize the excavation and analysis of the unregistered graves or grave contents ~~remains~~ at no cost to the owner of record by a professional archaeologist or human osteologist ~~skeletal analyst~~ approved by the Department ~~Director~~. All costs related thereto shall be borne by the professional archaeologist or skeletal analyst or other person employing or authorizing such excavation and analysis.

d) ~~Exceptions.~~

- 1) ~~No permit shall be required under this Part for any person conducting activities under other permits, leases, licenses, or entitlements for use, when those activities are exclusively for purposes other than the excavation and/or removal of human skeletal remains, grave artifacts and/or grave markers from unregistered graves. General earth-moving excavation conducted under a permit or other authorization shall not be construed to mean excavation and/or removal as used in this Section. However, if during the course of such work, an unregistered grave is discovered, the provisions of Section 4170.200 are applicable.~~
- 2) ~~No permit shall be required under the auspices of the Act for any person collecting on private lands for private purposes any paleontological remains or any rock, coin, bullet, or mineral provided that such collecting does not result in disturbance of any burial site or unregistered graves.~~
- 3) ~~No permit is required where the proposed archaeological work consists of an archaeological survey and/or data recovery undertaken and agreed to in writing by the Department pursuant to section 106 of the National Historic Preservation Act (16 U.S.C. 470f), or pursuant to the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420], or the activities permitted pursuant to the Federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C.A. 1201 et seq.) or the rules and regulations promulgated thereunder or under any law, rule or regulation adopted by the State thereunder.~~

de) Excavation by Department Personnel. Department employees~~Persons~~ carrying out official Department duties required under the Act need not follow the permit application procedures of this Section. However, the Department shall comply with all other requirements of this Part and the Act~~insure by other documented means that appropriate procedures have been followed.~~

ef) Certification of Human Osteologist~~Skeletal Analyst~~. The following are the~~establish~~ minimum standards of education and experience to be certified as a human osteologist~~skeletal analyst~~ for the purpose of conducting activities under the Act and this Part. The applicant must ~~have~~:

- 1) Have designed~~Designed~~ and executed a human osteological study as evidenced by a graduate thesis or dissertation, or a report equivalent in scope and quality and been awarded a graduate degree, from an accredited institution, in archaeology, anthropology, or another germane discipline

with a specialization in human osteology. It is recognized that in some cases an individual may have prepared several small reports that, cumulatively, may be comparable to a graduate thesis. ~~The report(s) must indicate substantive analysis based on an explicitly theoretical orientation;~~

- 2) Possess six~~Six~~ months of supervised analytical training/experience in the identification, analysis, and interpretation of human osteological remains, which may be accumulated on a part-time basis; and
- 3) Agree in writing~~Agreed~~ to conduct research in accordance with currently accepted scientific standards as outlined in the Society for Professional Archaeologists "Standards of Research Performance" and to know and comply with the Department's~~Museum's~~ curation and recordation policy regarding human remains, unregistered graves, grave artifacts, and grave markers.

f~~g~~) Application for Certification. Any individual wishing to apply for certification under this Section and the Act as a human osteologist~~skeletal analyst~~ shall submit a letter of request with appropriate documentation to the Department ~~archaeologist~~. Documentation must~~should~~ be sufficient to demonstrate the applicant fulfills the requirements of subsection (e~~f~~)(1), (2) and (3).

~~h) Restrictions Under Other Laws. Under Federal and other Illinois statutory, regulatory, or administrative authorities governing the use of public lands, authorizations may be required for activities which do not require a permit from the Department. Burial investigations carried out on public lands shall conform with the requirements of the Archaeological and Paleontological Resources Protection Act. Any person wishing to conduct on public lands any activities related to, but believed to fall outside the scope of, the Act and these regulations should consult the Department or the authority believed to have authority with respect to such activity for the purpose of determining whether any authorization is required.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.305 Department Review of Permit Application

a) In reviewing an application for a permit pursuant to the Act and this Part, the Department shall consider:

- 1) The documentation provided by the applicant pursuant to Section 4170.300, including if the information is complete and meets the criteria set out by the Act and this Part;

2) Kin, Tribal consultations, or related group opinions or comments regarding the disposition of the unregistered graves, human remains, grave artifacts, or grave markers; and

3) Protection of unregistered graves and grave contents.

b) The Department shall return a permit application to the applicant without issuing a permit if any information or documentation required under Section 4170.300 is missing or incomplete.

(Source: Added at 47 Ill. Reg. _____, effective _____)

Section 4170.310 Issuance of Permits

a) Each permit shall specify all terms and conditions under which the avoidance, removal, or disturbance of human remains, grave artifacts, grave markers, or unregistered graves shall be carried out. [20 ILCS 3440/13(d)]~~Generally. Any permit may contain any terms, conditions or limitations the Department deems necessary to achieve the intent of the Act. A permit shall identify the person responsible for carrying out the terms and conditions of the permit.~~

b) ~~Notification and Consultation With Respect To Related Group Sites. If a permit to be issued may result in harm to, or destruction of, any related group site, as determined by the Director before issuing such permit, the Director shall notify and consult with a local representative of the affected group. Notwithstanding such consultation, the Department shall have sole discretion in granting or denying any permit.~~

c) ~~Permits For Archaeological Burial Excavations. A permit shall be issued pursuant to an application if, after any notifications, consultations and hearings required, the Director finds that:~~

1) ~~The applicant is qualified to carry out the permitted activity;~~

2) ~~The proposed activity is undertaken in the public interest for the purpose of furthering archaeological or scientific knowledge or to allow economic development or construction to proceed;~~

3) ~~The currently available technology and the technology the applicant purposes to use are such that the significant information contained in the archaeological resource can be retrieved; and~~

4) ~~The funds and the time the applicant proposes to commit are such that the significant information contained in the archaeological resource can be retrieved.~~

d) ~~Denial of Permits. The Director shall not recommend the approval of an application under Section 4170.300(a) or (b) of these Rules if:~~

1) ~~In the case of economic development or construction, there are reasonable and feasible alternatives to removal of the human remains;~~

2) ~~In the case of archaeological or scientific research, such research is not deemed to be scientifically significant or necessary;~~

3) ~~The proposed funding level is not sufficient to complete the proposed project;~~

4) ~~The application is inadequate, or any part of the application is found to be deficient;~~

5) ~~There is any question as to the ownership of the resulting materials;~~

6) ~~The key project personnel are not adequately trained or lack sufficient experience to successfully complete the proposed project;~~

7) ~~The facilities and institutional support for the applicant are inadequate to successfully complete the project;~~

8) ~~The applicant or institution has not satisfactorily complied with the conditions of past permits issued under the Act or under the Archaeological and Paleontological Resources Protection Act; or~~

9) ~~The applicant or institution has demonstrated history, within the previous five (5) years, of not completing similar scale archaeological projects in a timely and successful fashion.~~

be) Permit Conditions.

1) In all permits issued, the Department shall specify in writing:

1A) The nature and extent of work allowed and required under the permit, including the time, duration, scope, and location of the avoidance, disturbance, or removal of unregistered grave(s) and grave contents ~~and purpose of the work;~~

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- ~~2B)~~ The name of the person(s) responsible for conducting the work and, if different, the name of the person(s) responsible for carrying out the terms and conditions of the permit; and
- 3) The Department-approved treatment plan.
- 4) All permits shall require that a field summary be completed on the disposition of the unregistered grave(s) and grave contents pursuant to the treatment plan and shall be delivered to the Department. The Department shall have 30 days from the date of receipt of the field summary to either approve the field summary or return the field summary for the completion of additional work or the filing of additional information. No undertaking shall resume until after the Department has approved a field summary provided by the permittee. The Department shall return any field summary that is not approved and shall set a deadline, in writing, for the submittal of a revised field summary. Failure to submit the revised field summary within the timeframe set in the permit shall be considered a withdrawal of the permit application.
- ~~5C)~~ In order to minimize damage to real property, unregistered graves, and grave contents~~lands and to artifacts, specimens or materials to be removed~~ and in order to ~~ensure~~insure the recording and preservation of ~~significant data regarding~~ those unregistered graves or grave contents~~artifacts, specimens, materials or sites~~, the permit may set forth requirements or limitations regarding the methods and equipment to be employed in the removal or avoidance, the area of investigation to ensure complete removal or avoidance of all unregistered graves or grave contents, and the procedures to be followed in documenting the removal or avoidance and the matters to be covered in the report or reports required to be provided pursuant to Section 4170.340.
- ~~2)~~
- ~~6A)~~ The permit may require that an authorized representative of the Department~~State~~ be present to witness and document the removal of human remains, unregistered graves, grave markers, or grave artifacts;~~specimens or materials from the unregistered grave.~~
- ~~B)~~ ~~A copy of the issued permit shall be on file with the Department and the Museum.~~
- ~~7C)~~ Unless permit duration~~length~~ is defined within the terms of the permit,

each permit shall expire at midnight one (1) year after the date of its issuance. ~~Any permit may be revoked by the Director, at any time, upon being convinced that activities are not being conducted under the terms and conditions of the permit.~~

~~D) One copy of the permit shall be at the site of the project, either in the possession of the owner of record, the principal investigator of the project or a designated professional archaeologist at the project site.~~

~~E) The permit may be examined by the Department, the Museum, their designated representatives, or the public on demand during normal business hours during the period of the permit.~~

~~F) All permits for archaeological investigations issued by the Director are conditional on the applicant demonstrating to the Director, at least thirty (30) days before initiation of fieldwork, that the project is fully and adequately funded. The applicant must detail in writing the amount and source of all funding.~~

8G) The Department may specify such other terms and conditions deemed necessary, consistent with this Part or the Act. The Department may add, remove, or modify permit conditions upon receiving new or updated information ~~Section, to protect public safety and other values and/or resources, to secure work areas, to safeguard other legitimate land uses, and to limit activities incidental to work authorized under a permit.~~

~~H) The archaeological resources which are collected, excavated or removed and associated records and data, and, if unclaimed, human skeletal material, will remain the property of the State and will be cared for by the Museum. With the approval of the Museum Director, such materials will be available for loan under the provisions of the Museum loan policy.~~

~~I) The applicant shall bear the financial responsibility for the cost of reinterment or other treatment, if required by the Director, of any human burials or human skeletal remains excavated or removed as a result of the permitted activities.~~

~~J) At the discretion of the Museum Director, the applicant may bear the financial responsibility for the cost of curation at the Museum of all archaeological resources, associated records and data, and skeletal remains excavated or removed as a result of the permitted~~

~~activities.~~

c) One copy of the permit shall be at the site of the project, either in the possession of the owner of record, the principal investigatory of the project or a designated professional archaeologist at the project site while any undertaking is occurring. The permit shall be provided to any employee of the Department or any member of law enforcement upon request during normal business hours at the listed address of the permittee or at any time at the site when work is actively occurring on the land the permit was so issued.

df) Initiation Deemed Acceptance. Initiation of work or other activities under the authority of a permit signifies the permittee's acceptance of the terms and conditions of the permit.

eg) No Release Until Obligations Satisfied. The permittee shall not be released from requirements of a permit until all outstanding obligations have been satisfied, whether or not the term of the permit has expired.

fh) Transfer, Extension, or~~and~~ Modification. The permittee may request that the Department transfer, extend, or modify a permit by written application only. Such transfer, extension, or modification of the permit shall become effective only upon review and written transfer, extension, or modification of the permit by the Department. If a permit is transferred, extended, or modified, the permit shall be reissued by the Department and shall include such transfer, extension(s), or modification(s). All such transfers, extensions, or modifications shall comply with the Act and this Part.

gi) Permits For Terms In Excess of One Year. The permittee's performance under any permit issued for a period greater than one year shall be subject to review by the Department at least annually.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.320 Financial Responsibility (Repealed)

~~The permit applicant shall bear the cost of the excavation, removal, analysis and disposition.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.330 Suspension~~and Revocation~~ of Permits

a) Suspension of Permits. The Department may~~Director shall~~ suspend a permit if any of the following~~until~~ conditions occur~~leading to the suspension are rectified if~~

~~there are indications that:~~

- 1) Public health or safety is endangered by the continuation of activities authorized by the permit~~Any facts in the proposal were misrepresented;~~
- 2) ~~The research design and/or methodology has been changed without authorization from the Director;~~
- 3) ~~There are violations of the permit conditions; or~~
- 4) ~~Public health or safety are endangered.~~

b) ~~Revocation of Permit. The Director shall permanently revoke a permit if, after investigation, it is clear that:~~

- 21) Information provided by the permittee to the Department was~~Facts in the permit applications were~~ willfully misrepresented or false; or
- 32) The permittee is in violation of;~~refuses to conform to the conditions set forth in the permit as issued by the Director.~~

- A) any conditions set forth in the permit as issued by the Department;
- B) the Act; or
- C) any of the rules of this Part.

b) Such suspension shall remain in effect until the basis for the suspension has been mitigated to the satisfaction of the Department.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.340 Reports Required

a) Field Summary. A Field Summary shall include the following:

- 1) The location of and count of all encountered unregistered graves.
- 2) The field methodologies used for the identification and removal of unregistered grave(s) and grave contents.
- 3) A chronology of all actions taken during the course of the investigation and removal or avoidance of any unregistered grave or grave contents that

is covered by a permit issued pursuant to the Act.

- 4) A listing of all individuals involved in the actions taken as reported in subsection (a)(2) and (3).
- 5) Current storage location of all encountered human remains, grave artifacts or grave markers.
- 6) Within 30 days of the conclusion of the field investigation of the unregistered grave or grave contents, the individual providing such services shall file a field summary with the Department. Additional time to file a field summary with the Department may be granted at the discretion of the Department. Any extension of time to file a field summary shall only be by written consent of the Department.

b) Report of Investigation

Within 60 days of the completion of the undertaking, the permit holder shall submit a report, on a form provided by the Department, of the results to the Department. [20 ILCS 3440/13(d)] A Report of Investigation shall~~A final report shall be submitted to the Department and the Museum within the timeframe established in the permit from those persons whose permits were issued pursuant to Section 4170.300(a) and (b). This report will~~ include the following:

- 1a) Transmittal Statement by the Permittee~~Owner of Record~~. The permittee shall provide a~~This~~ statement that will provide~~will substantiate~~:

A1) The final disposition of the grave contents~~human remains~~; and

B2) Written documentation~~Evidence~~ of the transfer of any excavated or removed grave contents~~artifacts or associated historical, cultural or archaeological resources~~ to the Department~~Museum~~.

- 2b) Reports ~~by~~By Professional Archaeologist and/or Human Osteologist~~Skeletal Analyst~~. ~~Professional archaeologists shall provide evidence that the land on which the excavation occurred has been returned to its normal use or the use interrupted by the discovery of the human remains.~~ The professional archaeologist and/or human osteologist ~~identified in the permit~~skeletal analyst shall also provide the Department ~~and the Museum~~ with ~~counterpart~~ copies of the reports, in the format required by the Department, containing the following information:

A1) Title Page. Each report shall have a title page which specifies the author(s)~~author~~, principal investigator, institution or association,

contractor and source of funds, title ~~of~~ report including the nature and location of work, and the date the report was prepared.

B2) Abstract. The abstract shall clearly summarize ~~include a clear summary indicating~~ the purposes, location, result of fieldwork, ~~and~~ laboratory analysis, if applicable, and any recommendations of the report and. ~~The abstract~~ shall include enough information that it could be quoted as a summary statement ~~in preparing a statement regarding action(s) in complying with this Act.~~

C3) Table of contents. The table of contents ~~This~~ is necessary for only ~~in the case of~~ reports exceeding ten (10) pages in length and. ~~The table of contents~~ should provide page locations for the various report subdivisions as well as for figures, tables, references cited, and appendices.

D4) Introduction. The introduction shall briefly summarize the purpose of the investigations and the scope of work (contract requirements), including any agencies involved, dates of work, principal personnel and landowners.

E5) Physical setting. The physical setting as it relates to the ~~an~~ understanding of the nature of the unregistered grave(s) ~~a burial site~~ shall be described. Information shall be presented on the geomorphology, soils, vegetation, current land use, potential for ~~burial~~ preservation in place, and any other ~~such~~ pertinent data. A map showing the location of the project in the State should be included, as well as a United States Geological Survey (USGS) quadrangle map; section, township, and range; GPS coordinates; and any additional maps that clarify location and setting.

F6) Context. A summary of any previous archaeological and/or historical record of the unregistered grave(s) ~~burial site(s)~~ shall be provided. ~~The focus shall be on providing information that would aid in understanding and evaluating the importance of the burial site(s) in the study.~~ This Section shall include a description of the information sources consulted, including published material, archaeological site files, published and unpublished manuscripts, and adequate historical documentation ~~informants~~.

G7) Methods. A ~~An explicit~~ statement of procedures used to document and analyze ~~collect and evaluate~~ the unregistered grave(s) ~~burial site~~, field and laboratory data, and rationale for the ~~particular~~

procedures utilized shall be included in the report. The overall field ~~method~~strategy and the techniques used in the survey and/or excavation shall be specified. Maps showing the areas ~~actually~~ covered by ~~on-site~~on-the-ground inspection should be included. If ~~multiple techniques were~~more than one technique was used ~~in the work~~, maps or text should specify the techniques used in each ~~particular~~ subarea. Each map should be clear, of an appropriate scale, and shall contain a north arrow, figure caption, and a legend ~~of key to~~ symbols used. The techniques and equipment used to document~~in collecting~~ and analyze grave contents~~analyzing skeletal~~ and associated data should be specified ~~(e.g., type(s) of preservatives and adhesives used in stabilizing the skeletal material, type(s) of instruments used in making measurements, statistical techniques employed in the analysis, etc.)~~.

H8) Results. The results of field and/or laboratory investigations should be presented (along with supportive data) and a synthesis of the work given. This Section should include site descriptions of unregistered graves~~all burial sites~~ surveyed or excavated. The descriptions should include, ~~if applicable~~, a complete discussion of the site's historical or archaeological context.

I9) Description of Unregistered Grave(s) and Grave Contents~~Burials~~. The report shall include, but not be limited to:

- i) The number and context~~nature~~ of unregistered graves~~burials~~ (including type of burial, positions, etc.)~~and~~
- ii) a description and analysis of all associated grave markers and grave artifacts and/or features; ~~must be included in this discussion. Additionally,~~
- iii) a scale map with the positions of each unregistered grave; ~~burial should also be provided. If laboratory skeletal analysis is being reported, the report shall include, but not be limited to,~~
- iv) an inventory of the bones and teeth recovered;;
- v) a description of the general condition of the remains;;
- vi) a description and analysis of any traumas and pathological conditions;;

vii) assessments of age, sex, stature, and population affiliation;
~~and~~

viii) an evaluation of cultural/historical, ethnic, and Tribal~~tribal~~ affiliation;

ix) a description and analysis of ~~standard cranial and posterianal measurements and~~ nonmetric traits; and

x) evidence used in the identification of specific individuals.

~~J40~~) Supporting data. Supporting data for the report should include lists and descriptions of material remains, ~~illustrations of artifacts and pertinent skeletal parts~~, photographs of the site(s) and the project area figures of excavation details (profiles, plan maps, etc.). The ~~results~~synthesis should evaluate the unregistered graves; cultural historical, ethnic, and Tribal affiliation; and~~burial sites, burials, skeletal population~~, cultural/historical context of all of the former in relationship to the overall scope of the project ~~and in relationship to pertinent cultural, historical or archaeological questions~~.

~~K44~~) Identification. The report shall, if possible, clearly present the evidence to establish kin, related group, and/or cultural-historical affiliation.

~~L42~~) Recommendations. Recommendations and supporting evidence regarding the possibility of the presence of unregistered grave(s) or grave contents that were not encountered at the permitted location~~preservation or mitigation of the burial site(s) must be given. A discussion of future research potential of any skeletal remains recovered in excavations must be given.~~

~~M43~~) Supplementary statements. The location where the materials and records have been deposited and are being cared for must be specified in the report. The nature of the records and curation facility must also be noted.

~~N44~~) References Cited~~Bibliography~~. References to the files, literature, webpages, and oral reports which are applicable to the project must be included in the bibliography.

e) ~~Consultation on Report Findings. If the report is unable to establish a kinship or~~

~~related group relationship, or a cultural historical affiliation for the human remains, the Director may seek, at the Director's discretion, additional information from persons with relevant experience, including, for example:~~

- ~~1) A human skeletal analyst;~~
- ~~2) The governmental body of the Indian tribe most likely to be related to the deceased Indian if the remains are those of an Indian;~~
- ~~3) A representative of the ethnic group most likely to be related if the remains are not those of an Indian;~~
- ~~4) Any person who has special knowledge or experience regarding the particular type of unregistered grave; and/or~~
- ~~5) The Chairman of the Anthropology Section at the Museum.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.350 Forms

Any form required by the Department pursuant to the Act or this Part may be requested by contacting the Department at DNR.ILHRPA@illinois.gov, or may be found on the Department's website at www.dnr.illinois.gov.

(Source: Added at 47 Ill. Reg. _____, effective _____)

Section 4170.400 Disposition of Human Remains, Grave Markers and Grave Artifacts

- a) All grave contents shall be turned over to the Department within 30 days of the acceptance of the report of investigation by the Department.
- b) Items~~Remains~~ Identified ~~by~~By Kin. If ~~the~~ kin can be identified ~~by the Director,~~ the identified kin~~they~~ shall have the authority concerning the ultimate disposition of the human remains, grave markers, or grave artifacts in the possession of the Department.
- cb) Items Identified~~Remains~~ of a Related Group. If human remains, grave markers, or grave artifacts in the possession of the Department~~the human skeletal remains~~ are identified as being~~identifiably~~ part of a related group, the Department shall consult~~Director, after consultation~~ with the identified related group(s). The disposition of the human remains, grave markers, or grave artifacts~~appropriate group leaders, shall attempt to locate a descendent. If no descendent is located,~~

~~disposition of the remains~~ shall be in accordance with the desires of such related groups.

- ~~de)~~ No Kin or Related Group Identified. Whenever the Department~~Director~~ is unable to identify kin or related group, or the kin or related group identified fails to make a recommendation regarding the disposition of human remains, grave markers, or grave artifacts, the Department~~Director shall transfer jurisdiction of the remains to the Museum which~~ shall treat the human remains, grave markers, and grave artifacts in accordance with its curation and recordation~~their existing~~ policies regarding human remains, unregistered graves, grave artifacts, and grave markers.
- ~~d)~~ ~~Reinterment. Any person awarded disposition of the remains for reinterment shall submit a witnessed and notarized statement to the Director within sixty (60) days after acquiring the remains, or within sixty (60) days after ground conditions allow reinterment, stating that the agreed upon reinterment has been completed.~~
 - ~~1) If the human remains are reinterred, the permittee shall provide to the Director the information necessary to inventory the unmarked burial site.~~
 - ~~2) If the Director concurs, skeletal remains may be reinterred by the owner of record with appropriate dignity at another location on the property in a location not subject to further subsurface disturbance.~~
- e) Persons or groups may submit to the Department adequate historical documentation demonstrating their relationship to specific human remains, grave markers, or grave artifacts. The Department will review these documents, and after a determination by the Department that relationship exists, the Department will work towards repatriation of those items to affiliated kin or related groups.~~Other Disposition. Any person awarded disposition of the remains for purposes other than reinterment shall submit a witnessed and notarized statement to the Director within sixty (60) days after acquiring the remains that the agreed upon treatment has been established.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.410 Transfer of Jurisdiction Over Human Remains (Repealed)

~~Upon notification by the Department archaeologist that the Department has fulfilled its responsibilities under the Act, the Director shall inform the Museum Director, in writing, that:~~

- ~~a) The human remains have been transferred to the kin or related group for disposition; or~~

b) ~~Jurisdiction over the human remains is being transferred to the Museum.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.420 Appeals

Any permittee who receives notice of suspension or revocation~~person denied a permit~~, any permittee contesting a condition of a permit, or any related group or kin contesting the disposition of human remains, unregistered graves, grave markers, or grave artifacts may request an administrative hearing ~~by writing:~~

a) Suspension Appeal

1) If a permit is suspended or revoked, the permit holder will be issued a Notice of Suspension/Revocation through U.S. mail. An affidavit of mailing shall be proof that the notice was received. Notification will contain the factual and legal reason for the suspension or revocation and shall be sent by standard U.S. mail.

2) Any person whose permit is suspended or revoked shall have the right to appeal by filing 2 copies of the Petition for Hearing. Both copies of the Petition for Hearing shall be mailed to or filed with:

Illinois Department of Natural Resources
Office of Legal Counsel
One Natural Resources Way
Springfield, IL 627092-1271

3) Petitions must be sent to the Department and postmarked no later than 30 days after Notice of Denial was mailed for the petition to be considered.

4) If no petition is mailed within 30 days of the Notice of Suspension/Revocation being mailed by the Department, the suspension or revocation will be considered final without further notice.

5) The petition shall be styled "In Human Remains Act Permit Suspension/Revocation of (name), PETITION FOR HEARING". The petition shall contain sufficient facts in justification of a hearing and shall be signed by the Petitioner. The party filing the petition shall be designated the Petitioner. The Department shall be designated the Respondent.

6) Procedure of the hearing will be according to the Department's rules for contested hearing at 17 Ill. Adm. Code 2530, Subpart D.

Director
Department of Natural Resources
One Natural Resources Way
Springfield, Illinois 62704

~~The written request must be received by the Department within fourteen (14) days after the complained of decision or action.~~

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 4170.430 Delegation of Responsibilities (Repealed)

~~If the Department and the Museum agree, the responsibilities, in whole or in part, of the Department and Museum under these Rules may be delegated through a memorandum of understanding. Such a memorandum of understanding will be subject to periodic review at the initiation of either the Department or the Museum.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.440 Custody and Curation (Repealed)

- ~~a) Title to Remains, Grave Markers and Grave Artifacts. Human skeletal remains, grave markers, and grave artifacts excavated or removed from unregistered graves remain the property of the State. All articles, implements and material found or discovered by such disturbances, investigations, explorations, or excavations, shall be delivered to representatives of the Museum within ninety (90) days after the permit termination date.~~
- ~~b) Archaeological Reports and Field Records. All original field records, notes, photographs and other information collected or reasonable facsimiles of same shall be housed in the Museum.~~
- ~~c) Distribution of Artifacts and Materials by the Museum. All collections of artifacts, archaeological materials, field records, maps, notes, photographs and other information, as well as objects collected, may be made available for study under Museum policy.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.500 Scientific Treatment and Disposition of Human Remains Transferred to the Illinois State Museum (Repealed)

- ~~a) Acquisition. The Museum will accept transfer of human remains from permittees~~

under this Act and from the Department. A report describing the terms, conditions, and context of the human remains shall be submitted to the Museum at the time of the transfer.

- b) ~~Transfer of Human Remains. Human remains collected by individuals prior to August 11, 1989 may be transferred to and accepted by the State if the Director determines they are of potential historical significance. The Director may require individuals making such transfers to comply with Section 4170.340 of the Act. Upon receipt of the remains the Director shall implement disposition and transfer procedures as outlined in Sections 4170.400 and 4170.410.~~
- e) ~~Identification of Human Remains. With all transferred human remains the Department shall provide the Museum with documentation of attempts to identify and contact kin or related groups. If such kin or related groups can be subsequently identified, the Museum shall contact them to determine their recommendations on the treatment and disposition of the human remains.~~
- d) ~~Evaluation of Claims. Persons may submit to the Museum Director documentation demonstrating their relationship to specific human remains. The Museum Director will review these documents on a case by case basis within sixty (60) days and will notify those persons of the decision. Recognized kin or recognized leaders of related groups will have sixty (60) days to forward in writing to the Museum Director their desires for treatment and/or disposition of the human remains.~~
- e) ~~Resolution of Disagreements. In the event of a disagreement between the Museum and a related group over decisions rendered under the provisions of this policy, the Museum will request a resolution from an impartial third party as arbitrator as authorized the Uniform Arbitration Act [710 ILCS 5]. If a third party resolution is unacceptable to either party, a final determination may be adjudicated.~~
- f) ~~Scientific Treatment of Human Remains. The Museum will ensure that all human remains under its care will be maintained with dignity and respect.~~
 - 1) ~~The Museum will make human remains available to qualified researchers for the purpose of scientific inquiry. Research proposals must address the purpose of the study, research design, and analytical methods and techniques. Human remains may be examined at the Museum, or borrowed by another Museum or educational institution. Study proposals are reviewed by the Museum Director. Upon completion of the study, two (2) copies of the full report describing the analysis, its results and significance shall be submitted to the Museum and the Department.~~

- 2) ~~Human remains will be exhibited only in exceptional cases where the exhibit conveys an understanding of the lives of past peoples and insofar as the human remains are an integral part of evidence of the past and contribute to an understanding of human culture. In the event that the human remains are affiliated with kin or a related group, those persons will be consulted as to the effectiveness of the display and its sensitivity to their religious or philosophical beliefs.~~

g) ~~Disposition of Human Remains.~~

- 1) ~~The Museum will return human remains to kin or related groups at their request after the remains have been formally deaccessioned from the Museum's collection. Upon approval of the deaccession request by the Museum Director, the Museum will notify kin or related groups when the remains are available for transfer. Human remains will be returned to kin or related groups at the Museum upon signature of a receipt of transfer.~~
- 2) ~~In instances in which neither kin nor related groups can be identified, or at the request of such kin or related groups, human remains will be curated by the Museum with care and dignity. Such remains will be curated in a secure environment with restricted access.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

SUBPART B: PROHIBITED ACTS; PENALTIES

Section 4170.600 Prohibited Acts; Notification of Department (Repealed)

- a) ~~Discovery of Human Remains in Unregistered Grave. Any person who discovers human skeletal remains subject to this Act shall promptly notify the coroner. Any person who knowingly fails to report such a discovery within forty-eight (48) hours is guilty of a Class C misdemeanor, unless such person has reasonable cause to believe that the coroner has already been so notified.~~
- b) ~~No Disturbance Permitted. It is unlawful for any person, either by himself or through an agent, to knowingly disturb human skeletal remains and grave artifacts or a grave marker in unregistered graves protected by the Act except upon written application made to the Director for a permit therefor and upon the issuance and according to the terms of a permit granted therefor by the Director or exempted by Section 4170.310(e).~~
- c) ~~No Sale Or Other Transfer of Human Remains, Grave Markers or Grave Artifacts.~~

It is unlawful for any person either by himself or through an agent, to sell, purchase, exchange, transport, possess, or receive any human skeletal remains, grave artifacts or grave markers with the knowledge that they have been collected or excavated in violation of the Act.

- d) ~~Permit Required. It is unlawful for any person, either by himself or through an agent, to knowingly allow the disturbance of human skeletal remains, unregistered graves, or grave markers on property controlled by that person unless such disturbance is authorized by a permit issued by the Department.~~
- e) ~~Notification of Department. The persons aware of any violations of the Act shall contact the Department.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.610 Criminal Penalties (Repealed)

- a) ~~Class A Misdemeanor—Violations. Any violation of Sections 4, 6 or 7 of the Act is a Class A misdemeanor and the violator shall be subject to imprisonment for not more than 1 year and a fine not in excess of \$10,000; any subsequent violation is a Class 4 felony. Each disturbance of an unregistered grave constitutes a separate offense. [20 ILCS 3440/10]~~
- b) ~~Class B Misdemeanor—Violations. Any violation of Section 5 of the Act is a Class B misdemeanor and the violator shall be subject to imprisonment for not more than 6 months and a fine not in excess of \$500; any subsequent violation is a Class A misdemeanor. Each disturbance of a grave marker constitutes a separate offense. [20 ILCS 3440/11]~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.620 Civil Penalties (Repealed)

- a) ~~Authority to Assess Civil Penalty. The Department may assess a civil penalty against any person who has violated any prohibition contained in the Act, any regulation promulgated by the Department pursuant to the Act or any term or condition included in a permit.~~
- b) ~~Notice of Violation. The Department shall serve a notice of violation upon any person believed to be subject to a civil penalty, either in person or by registered or certified mail (return receipt requested). The Department shall include in the notice:~~

- 1) ~~A concise statement of the facts believed to show a violation;~~
 - 2) ~~A specific reference to the provision(s) of the Act, regulation or permit allegedly violated;~~
 - 3) ~~The amount of penalty proposed to be assessed, including any initial proposal to mitigate or remit where appropriate, or a statement that notice of a proposed penalty amount will be served after the damages associated with the alleged violation have been ascertained; and~~
 - 4) ~~Notification of the right to file a petition for relief pursuant to subsection (d) of this Section, or to await the Department's notice of assessment, and to request a hearing in accordance with subsection (g) of this Section. The notice shall also inform the person of the right to seek judicial review of any final administrative decision assessing a civil penalty.~~
- e) ~~Alternatives in Response to Notice of Violations. The person served with a notice of violation shall have thirty (30) calendar days from the date of its service (or the date of service of a proposed penalty amount, if later) in which to respond. During this time the person may:~~
- 1) ~~Seek informal discussions with the Department;~~
 - 2) ~~File a petition for relief in accordance with subsection (d) of this Section;~~
 - 3) ~~Take no action and await the Department's notice of assessment; or~~
 - 4) ~~Accept in writing or by payment the proposed penalty, or any mitigation or remission offered in the notice. Acceptance of the proposed penalty or mitigation or remission shall be deemed a waiver of the notice of assessment and of the right to request a hearing under subsection (g) of this Section.~~
- d) ~~Petition for Relief. The person served with a notice of violation may request that no penalty be assessed, or that the amount be reduced, by filing a petition for relief with the Department within thirty (30) calendar days after the date of service of the notice of violation (or of a proposed penalty amount, if later). The petition shall be in writing and signed by the person served with the notice of violation. If the person is a corporation, the petition must be signed by an officer authorized to sign such documents. The petition shall set forth in full the legal or factual basis for the requested relief.~~
- e) ~~Assessment of Penalty.~~

- 1) ~~The Department shall assess a civil penalty upon expiration of the period for filing a petition for relief, or upon completion of informal discussions, whichever is later.~~
 - 2) ~~The Department shall take into consideration all available information, including information provided pursuant to subsections (c) and (d) of this Section or furnished upon further request by the Department.~~
 - 3) ~~If the facts warrant a conclusion that no violation has occurred, the Department shall so notify the person served with a notice of violation, and no penalty shall be assessed.~~
 - 4) ~~Where the facts warrant a conclusion that a violation has occurred, the Agency shall determine a penalty amount in accordance with Section 4170.640.~~
- f) ~~Notice of Assessment. The Department shall notify the person served with a notice of violation of the penalty amount assessed by serving a written notice of assessment, either in person or by registered or certified mail (return receipt requested). The Department shall include in the notice of assessment:~~
- 1) ~~The facts and conclusions from which it has determined that a violation did occur;~~
 - 2) ~~The basis in Section 4170.640(b) for determining the penalty amount assessed and/or any offer to mitigate or remit the penalty; and~~
 - 3) ~~Notification of the right to request a hearing, including the procedures to be followed, and to seek judicial review of any final administrative decision assessing a civil penalty.~~
- g) ~~Hearings.~~
- 1) ~~Except when the right to request a hearing is deemed to have been waived as provided in subsection (c)(4) of this Section, the person served with a notice of assessment may file a written request for a hearing with the adjudicatory body specified in the notice. The person shall enclose with the request for hearing a copy of the notice of assessment, and shall deliver the request as specified in the notice of assessment, personally or by registered or certified mail (return receipt requested).~~
 - 2) ~~If a person served with notice fails to deliver a written request for a~~

~~hearing within thirty (30) days after the date of service of the notice of assessment, that person shall be deemed to have waived the right to a hearing.~~

~~h) Final Administrative Decision.~~

- ~~1) If the person served with a notice of violation has accepted the penalty pursuant to subsection (c)(4), the notice of violation shall constitute the final administrative decision;~~
- ~~2) If the person served with a notice of assessment has not filed a timely request for a hearing pursuant to subsection (g)(1), the notice of assessment shall constitute the final administrative decision;~~
- ~~3) If the person served with a notice of assessment has filed a timely request for a hearing pursuant to subsection (g)(1), the decision resulting from the hearing or any applicable administrative appeal therefrom shall constitute the final administrative decision.~~

~~i) Payment of Penalty.~~

- ~~1) The person assessed a civil penalty shall have thirty (30) calendar days from the date of issuance of the final administrative decision in which to make full payment of the penalty assessed, unless a timely request for appeal has been filed.~~
- ~~2) Upon failure to pay the penalty, the Department may request the Attorney General to institute a civil action to collect the penalty in a court having jurisdiction over the person assessed a civil penalty. When the Department is not represented by the Attorney General, a civil action may be initiated by the State's Attorney of the county in which the violation occurred.~~

~~j) Other Remedies Not Waived. Assessment of a penalty under this Section shall not be deemed a waiver of the right to pursue other available legal or administrative remedies.~~

~~k) Injunctive Remedy. The Department may seek injunction or other relief as the Department deems appropriate for any violation of the Act or regulations promulgated thereunder.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.630 Civil Damages (Repealed)

- a) ~~Generally. Persons convicted of a violation of Section 4 or 5 of the Act shall also be liable for civil damages to be assessed by the Department. Civil damages may include:~~
- ~~1) forfeiture of any and all equipment used in disturbing the protected unregistered graves or grave markers;~~
 - ~~2) any and all costs incurred in cleaning, restoring, analyzing, accessioning and curating the recovered materials;~~
 - ~~3) any and all costs associated with restoring the land to its original contour or the grave marker to its original condition;~~
 - ~~4) the archaeological value, the cost of restoration and repair, and any and all costs associated with recovery of data, and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the unregistered graves or grave markers;~~
 - ~~5) any and all costs associated with the reinterment of the human skeletal remains; and/or~~
 - ~~6) any and all costs associated with the determination and collection of the civil damages. [20 ILCS 3440/12]~~
- b) ~~Deposit of Penalty Amounts to Designated Funds. When civil damages are recovered through the Attorney General, the proceeds shall be deposited into the Historic Sites Fund. When civil damages are recovered through the State's Attorney, the proceeds shall be deposited into the county funds designated by the county board.~~
- c) ~~Archaeological Value. For purposes of this Part, the archaeological value of any human remains, grave artifacts or grave markers involved in a violation of the prohibitions in the Act or regulations promulgated thereunder or conditions of a permit shall be the value of the information associated with the archaeological resource. This value shall be appraised in terms of the costs of the retrieval of the scientific information which would have been obtainable prior to the violation. These costs may include, but need not be limited to, the cost of preparing a research design conducting field work, carrying out laboratory analysis, and preparing reports as would be necessary to realize the information potential.~~

- d) ~~Cost of Restoration and Repair. For purposes of this Part, the cost of restoration and repair of human remains, grave artifact or grave marker damaged as a result of a violation of prohibitions or conditions pursuant to this Part shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:~~
- ~~1) Reconstruction of the human remains, grave artifact or grave marker;~~
 - ~~2) Stabilization of the human remains, grave artifact or grave marker;~~
 - ~~3) Ground contour reconstruction and surface stabilization;~~
 - ~~4) Research necessary to carry out reconstruction or stabilization;~~
 - ~~5) Physical barriers or other protective devices necessitated by the disturbance of human remains, grave artifact or grave marker to protect it from further disturbance;~~
 - ~~6) Examination and analysis of the human remains, grave artifact or grave marker including recording remaining archaeological information, when necessitated by disturbance, in order to salvage remaining values which cannot be otherwise conserved;~~
 - ~~7) Reinterment of human remains in accordance with State law and with religious or tribal custom as determined appropriate by the Museum; and~~
 - ~~8) Preparation of reports relating to any of the above activities.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.640 Penalty Amounts (Repealed)

~~Determination of Penalty Amount, Mitigation, and Remission. The Department may assess a penalty amount less than the maximum amount of penalty and may offer to mitigate or remit the penalty.~~

- a) ~~Determination of the penalty amount and/or a proposal to mitigate or remit the penalty may be based upon any of the following factors:~~
- ~~1) Agreement by the person being assessed a civil penalty to return to the State the archaeological resources removed;~~

- 2) ~~Agreement by the person being assessed a civil penalty to assist the Director in activity to preserve, restore, or otherwise contribute to the protection and study of archaeological resources on Illinois lands;~~
 - 3) ~~Agreement by the person being assessed a civil penalty to provide information which will assist in the detection, prevention, or prosecution of violations of the Act;~~
 - 4) ~~Determination that the person being assessed a civil penalty did not wilfully commit the violation;~~
 - 5) ~~Determination that the proposed penalty would constitute excessive punishment under the circumstances; and/or~~
 - 6) ~~Determination of other mitigating circumstances appropriate to consideration in reaching a fair and expeditious assessment.~~
- b) ~~When the penalty is for a violation which may have had an effect on a known tribal, ethnic or religious site on public lands, the Director should consult with and consider the interest of the affected group(s) prior to proposing to mitigate or remit the penalty.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.650 Rewards

At the discretion of the Department, pursuant to Section 9 of the Act, the Department may advertise a reward for information leading ~~provides for rewards of up to \$2,000 to be made to persons who furnish information which leads~~ to the arrest and conviction of any person who violates the Act ~~for a criminal violation~~. The Director may certify to the State Comptroller that a person is eligible to receive payment. Officers and employees of federal, State, or local government who furnish information or render service in the performance of their official duties; ~~and persons who have provided information under Section 4170.640(b)(1)(A) and (C);~~ shall not be certified eligible to receive payment of rewards.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART C: ILLINOIS INVENTORY OF BURIAL SITES

Section 4170.700 Purpose of Inventory (Repealed)

~~In order to ensure that the scientific knowledge about both prehistoric and historic unmarked burial sites and their associated historic, cultural and archaeological resources is made available~~

~~to the public and is not wilfully or unnecessarily destroyed or lost, and to preserve information with respect to unregistered graves, the Department shall maintain an Illinois Inventory of Burial Sites. Such burial site information shall also be maintained as part of the Illinois Inventory of Archaeological and Paleontological Sites. The Inventory shall indicate the accurate location of each unmarked burial site. To ensure the protection of sites, the release of locational information shall be at the discretion of the Director.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.710 Inventorying of Burial Site (Repealed)

- a) ~~Application for Inventorying. To initiate an inventory request an applicant must complete the appropriate form provided by the Department. The form shall request that the following information, to the extent known, be provided:~~
 - 1) ~~The applicant's name, address and telephone number;~~
 - 2) ~~The burial site owner's name, address and telephone number;~~
 - 3) ~~Adequate historical documentation of the burial site;~~
 - 4) ~~Photographic prints of the burial site to document the condition of the site;~~
 - 5) ~~A town, range and subsection description and Universal Transverse Meridian co-ordinates of the site's location, including sufficient buffer land necessary to protect the site until its specific legal boundaries are defined;~~
 - 6) ~~A sketch showing the known area of the site and any salient observable features;~~
 - 7) ~~A copy of the pertinent United States geological survey topographic quadrangle map or a plat noting the location of the burial site; and~~
 - 8) ~~The Illinois Inventory of Archaeological and Paleontological Sites site number.~~
- b) ~~Documentation of a Burial Site. Documentation of a burial site may include, but is not limited to, the following:~~
 - 1) ~~Physical evidence, as demonstrated by archaeological or written historical reports showing the presence of human skeletal remains, graves, artifacts or grave markers;~~

- 2) ~~Adequate historical documentation;~~
- 3) ~~Oral depositions or affidavits; or~~
- 4) ~~Any additional information requested by the Department.~~
- e) ~~Entry of Site Into Inventory. If the application is complete and accurate to the best of the inventorier's knowledge, the Department shall enter the site into the Inventory. The Department shall notify the applicant, owner and the local unit of government having jurisdiction over the burial site when a particular burial site has been added to the Inventory and shall record that location with the county Recorder of Deeds.~~
- d) ~~Removal from the Inventory.~~
 - 1) ~~If substantial evidence is ever presented to the Department to indicate that a burial site does not contain burials or burial markers, or all the burials and burial markers are removed, the Department shall notify the owner and the unit of local government having jurisdiction over the burial site and any other group or person the Department deems appropriate and give such persons sixty (60) days to respond to the Department on this new evidence.~~
 - 2) ~~After sixty (60) days, if the Department decides that there is sufficient evidence to indicate that a site does not contain any burials or burial markers, the Department shall do all of the following:~~
 - A) ~~Remove the site from the Inventory; and~~
 - B) ~~Submit a request to the county Recorder of Deeds to amend the legal property description previously defined for the land on which the burial site was registered.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.720 Confidentiality (Repealed)

~~Information concerning the nature and location of any burial site or unregistered grave, regardless of ownership of the property, may be made available to the public unless the Department determines that the disclosure would create a risk of harm to the human remains, unregistered grave, grave artifacts, grave markers or to the site at which such resources are located.~~

(Source: Repealed at 47 Ill. Reg. _____, effective _____)

Section 4170.800 Burial Location on Department-Owned, -Managed, or Leased Land

The Department may identify locations for repatriated human remains, grave artifacts, and grave markers on Department-Owned, -Managed, or Leased land using adequate historical documentation and Tribal consultation. The method of repatriation shall be with Tribal approval.

(Source: Added at 47 Ill. Reg. _____, effective _____)